

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY BODFIELD,)	
)	
Plaintiff,)	4:10CV3097
)	
v.)	
)	
AG VALLEY COOPERATIVE,)	MEMORANDUM
NON-STOCK,)	AND ORDER
)	
Defendant.)	
)	

Defendant filed a motion for summary judgment (filing [14](#)) on January 21, 2011, making Plaintiff's opposition due on February 14, 2011. Plaintiff filed a motion (filing [17](#)) for enlargement of time within which to respond to such motion on February 16, 2011—two days after Plaintiff's response was due. Defendant has objected (filing [18](#)) to Plaintiff's request for an extension of time due to counsel's failure to comply with the local rules of this court regarding such motions. *See Fed. R. Civ. P. 6(b)(1)(B)* (court "may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect"); *NECivR 6.1(a)(2)* (only "assigned judge may grant other or additional extensions of time for good cause shown").

Plaintiff's motion to extend arguably suggests "good cause," as the motion states that counsel needs additional time to "properly" prepare a brief addressing the extensive amount (66) of alleged uncontroverted facts in Defendant's motion for summary judgment. (*See* Filing [15](#), Def's Br. Supp. Mot. Summ. J. at CM/ECF pp. 7-17.) However, Plaintiff's motion fails to establish "excusable neglect," as required by *Fed. R. Civ. P. 6(b)(1)(B)*. Accordingly, I shall deny Plaintiff's motion for an extension of time without prejudice to refiling the motion to include a showing of

“excusable neglect.”¹

IT IS ORDERED that Plaintiff’s motion (filing [17](#)) to extend the time to respond to Defendant’s motion for summary judgment (filing [14](#)) is denied without prejudice to refiling such motion to include a showing of excusable neglect.

DATED this 17th day of February, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

¹[Fed. R. Civ. P. 1](#) states that the Federal Rules of Civil Procedure “should be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” Multiple motions and court orders regarding a simple motion for an extra ten days to submit a brief seems anything but “just, speedy, and inexpensive.” Indeed, it seems crazy.

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